

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael I. Tate, also known as Michael M.  
Johnson,

Case No. 15-cv-3115 (WMW/BRT)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Dr. William Scheidt and Nurse Shantel  
Erickson,

Defendants.

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This matter is before the Court on the October 7, 2016 Report and Recommendation (“R&R”) of United States Magistrate Judge Janie S. Mayeron. (Dkt. 76.) The R&R recommends granting Defendant Dr. William Scheidt’s motion to dismiss, (Dkt. 62), and dismissing Plaintiff Michael I. Tate’s complaint against Dr. Scheidt with prejudice. Tate filed a letter in response to the R&R on October 28, 2016. (Dkt. 77.) However, Tate’s October 28 letter does not raise any objections to the R&R. Indeed, the October 28 letter states that Tate is “not appealing . . . the court’s decision on Dr. William [Scheidt].”<sup>1</sup> In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, the Court finds no clear error.

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<sup>1</sup> Rather, Tate contends that his letter is “more of an appeal of the civil suit[ ] on the [Minnesota Department of Correction].” This Court granted the Minnesota Department of Correction’s motion to dismiss on June 27, 2016. (Dkt. 56.) To the extent that Tate’s October 28 letter seeks leave to file a motion to reconsider the June 27 Order, it fails to demonstrate the requisite compelling circumstances. *See* LR 7.1(j). Indeed, the October 28 letter does not raise any specific objections to the June 27 Order.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The October 7, 2016 R&R, (Dkt. 76), is **ADOPTED**;
2. Defendant Dr. William Scheidt's motion to dismiss, (Dkt. 62), is **GRANTED**; and
3. Plaintiff's complaint as against Dr. Scheidt is **DISMISSED WITH PREJUDICE**.

Dated: December 7, 2016

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge